

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN RUSSELL

PLAINTIFF

v.

No. 4:04CV144-P-A

DR. JOHN BEARRY, ET AL.

DEFENDANTS

ORDER DENYING MOTION FOR DISCOVERY

The court has before it the plaintiff's second motion to conduct discovery in the above-styled case, which is brought pursuant to 42 U.S.C. § 1983 by the plaintiff, Kevin Russell, an inmate currently incarcerated at Mississippi State Penitentiary, challenging the conditions of his confinement. Having duly considered the plaintiff's second motion for leave to conduct discovery, the court is of the opinion that it is not well taken and should be denied.

This case is proceeding on the administrative track under Rule 1.4(D) of the UNIFORM LOCAL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND THE SOUTHERN DISTRICTS OF MISSISSIPPI. Administrative track cases normally have no discovery, and discovery may only be conducted with leave of the court. UNIF. LOC. R. 1.3(D). As a case challenging the conditions of confinement at a penal institution, the local rules exempt the case from the normal scheduling requirements. UNIF. LOC. R. 16.1(D).

This case has been delayed for a time because of an interlocutory appeal – and because of the difficulty in having several of the defendants served with process. The defendants in the instant case have recently been served with process and have answered. The court shall issue a scheduling order specifying the discovery that shall take place.

It is, therefore, **ORDERED**:

That plaintiff's motion for leave to conduct discovery is **DENIED** as premature.

THIS the 2nd day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE